

## **A Secondary analysis of Judicial Resources**

Court: 41<sup>st</sup> Circuit Court 95 A District Court, Menominee Probate Court, 95B District Court, Dickinson Probate Court and Iron County Trial Court

Contact Person: Judge Richard J. Celello (C41), Judge Barstow (D95A), Judge Hupy (P55), Judge Ninomiya (95B), Judge Slagle (P22) and Judge Schwedler (Iron County Trial Court)

Phone Numbers: (906)774-2266, (906) 836-9408, (906) 863-2634, (906)774-0506, (906)774-1555 and (906)875-0659

### **A. Case Related Factors**

A1. Provide any information which would clarify your reported new case filing data.

All case reporting data appears correct.

A2. Provide any information which would clarify your reported dispositions, such as number of jury trials, number of bench trials.

None

A3. Explain any differences in trends, including 2011, which impact your need for judicial resources.

Menominee County District Court caseload numbers are trending up.  
Dickinson County Probate Court caseload numbers are trending up.

A4. Provide any information which would clarify any backlog of cases in your courts or failure to meet time guidelines.

There is no significant backlog in the 41<sup>st</sup> Circuit in any of the trial courts.

A5. Do any of your courts operate a drug court or other speciality court? If so, how many judges participate in this program?

Iron County and Dickinson County District Courts have a drug court program.  
Menominee County applies drug court protocols but there is no agency within the county to support the effort of a traditional drug court.

A6. Is there any reason why a concurrent jurisdiction plan for the courts in this jurisdiction would not help reduce the need for judgeships? If so, explain.

The 41<sup>st</sup> Circuit has a comprehensive concurrent jurisdiction plan, as well as a Trial Court in Iron County.

A7. Provide information which would clarify how your ADR plans, if any, impacts your need for judicial resources.

We recently received notification that the Supreme Court Administrator's Office is considering cutting the Western U.P. Mediation Services. This would have a significant impact on ADR services. Which would require more judicial resources.

A8. Provide any other information regarding case related factors that impacts your need for judicial resources.

There is an increasing trend of pro per litigants in family matters which greatly increases the need for judicial involvement on those cases.

## **B. Resource Factors**

B1. How many FTE support staff directly related to judicial activity are available (referees, magistrates, registers, law clerks, research attorneys, etc.)?

We need to emphasize again, that for most case types we have **no** support staff directly related to judicial activity. Therefore, for most case types the formula should be using a 1.0 multiplier for case related judge share of minutes. The only exceptions would be the following:

95B District Court -

.5 FTE Attorney magistrate on felony and misdemeanor arraignments.  
.25 Non-attorney magistrate for civil infractions/informal hearings

Iron County Probate Court - .5 Non Attorney Magistrate

95A District Court - .5 Non Attorney Magistrate

Again, we have no referees, law clerks, research attorneys, court administrators, etc. in Dickinson and Menominee counties. The Iron County Trial Court has a part time court administrator/court reporter and a part time referee/juvenile officer. With these exceptions, any use of a factor less than 1 would underweight our need for judicial resources.

B2. Provide information that clarifies how the level of automation available in your courts impacts your need for judicial resources.

Menominee and Dickinson County have video conferencing capabilities although they are not fully functional as yet. Iron County does not have that capability.

B3. Provide information that would clarify how the available court facilities impact your need for judicial resources.

In Dickinson County, there are two courtrooms that share a common jury room and a non-jury courtroom that is used for hearings. While an additional courtroom, and/or jury room, would allow the court to operate more efficiently, there is no space available to add either. In Menominee County, there are two courtrooms and the Probate Judge uses his office on the ground floor to conduct hearings. Although the physical facilities in Menominee County are cramped, outdated and an additional courtroom would be helpful, they are adequate. The Iron County Courthouse has been recently renovated and provides adequate space to meet the Court's operational needs.

B4. Provide any other information regarding resources factors that could impact your need for judicial resources.

Any effort to shift judicial resources to non-judicial positions would be impossible given the financial constraints on each of our funding units. The funding units could not afford to replace judicial resources with referees, additional court administrators, law clerks, etc. There is simply no money available. For example, the county board in Dickinson County has instituted a policy that any vacancy in any of the court staff would have to be reviewed and re-approved by the County Board before that vacancy can be filled. The same policy exists in Menominee County.

### **C. Environmental Factors**

C1. Do you anticipate growth or decline in infrastructure, industry business activity, or social institutions which may affect judicial workload for courts? If so, what are these changes?

Yes.

- A. The local community mental health agency has experienced reduced funding and has set higher standards for provision of services. This has led to more and more mentally ill individuals not receiving mental health services and entering the criminal justice system in larger and larger numbers.
- B. Marinette Marine - A defense contractor located just across the river from Menominee County has just been awarded a large government contract which will result in the hiring of 1,000 new employees. The addition of a large number of new families to the area will have the expected impact on increased use of the criminal/civil justice system in the 41<sup>st</sup> Circuit.

C2. Do the practices of retained attorneys, appointed attorneys, pro se litigants and prosecutors increase the judicial need in your courts? (e.g., charging and plea practices, unwillingness to stipulate, etc.) If so, explain.

No change expected.

C3. Are there any population trends in the courts' jurisdiction which may affect caseload? If so, what are these trends?

As reported previously a new community college opened in Dickinson County in 2007. Their enrollment has exceeded all predictions and has almost doubled year after year.

It is believed that there will be less support for children and families as budget deficits grow, which will have a corresponding need for judicial involvement in child protective and juvenile delinquency proceedings. Divorce and post divorce judgment proceedings may be affected as well.

C4. Provide any other information regarding environmental factors that would impact your need for judicial resources.

The Circuit reports a large number of drug (heroin, cocaine, and prescription) related criminal cases and child protective proceedings in which drug addiction is the overriding problem. While they recognize that drugs are a problem everywhere/ Iron Mountain, Menominee and perhaps Iron County, are on the "Drug Route" for trafficking of drugs from Milwaukee and Chicago. The Counties have several very active drug enforcement teams that contribute to the increased numbers in criminal filings. In Dickinson and Menominee Counties, there are a high number of transients that move between Michigan and Wisconsin. This results in the Courts having to deal with interstate matters on a regular basis.

#### **D. Other Factors**

D1. Provide any other information regarding other factors that could impact your need for judicial resources.

The SCAO weighted case analysis for determining judicial needs uses the average number of case filings between 2008-2010. We do not believe that this is a fair method of analysis. We believe that the case filings during that time frame were significantly affected by the downturn in the local and national economies.

For example, using the years 2008-2010, the average number of new circuit court filings in the 41<sup>st</sup> circuit was 2,199 per year. If one looks at a more appropriate time period between 2005-2010, the average number of cases filed in the 41<sup>st</sup> circuit increases to 2,321 per year. **This is a difference of over 5%.** The contrast is even greater when

analyzing the 95-A and 95-B district court numbers. The average number of new case filings in the district courts between 2008-2010 was 10,100 cases per year. The average between 2005-2010 jumps to 11,188 cases per year. **This equates to a difference of 10%.**

If the analysis were to encompass the years 2003-2010, the average case filings number would increase even further to 7% in the 41<sup>st</sup> circuit and 15% in the 95-A and 95-B district courts.

In short, we believe that the analysis is seriously flawed by simply using data from 2008-2010. We also understand that every circuit could technically make this argument. However, it is important to note that the census data indicates relatively stable populations in our three counties. Furthermore, our situation is unique in that the jurisdiction encompassed by the 41<sup>st</sup> circuit is currently experiencing significant growth in industry as well as the continued growth related to our new community college.

Additionally, the two Circuit Court Judges spend a significant amount of time traveling to Menominee County which is 160 miles round trip. The weights applied to the caseload analysis do not take into account these factors sufficiently.